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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,000	10/17/2003	Masayuki Furumiya	NEC 03FN026	4404
27667	7590	11/17/2005		EXAMINER
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			TRAN, THANH Y	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/688,000	FURUMIYA ET AL.
Examiner	Art Unit	
Thanh Y. Tran	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 14-34 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date 10/17/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Applicant's election with traverse of Group I, claims 1-13 in the reply filed on 8/24/05 is acknowledged. The traversal is on the ground(s) that "even assuming arguendo invention I may have separate utility, invention I is generic, and invention II falls within the scope of invention I". This is not found persuasive because:

- a) The above two different group of inventions show the need for two entirely different fields of search.
- b) Non-restriction would mean that if one of the inventions were held to be unpatentable then the other would also be inherently held to be unpatentable. Therefore, restriction is proper since there are apparently two different inventive concepts in making the device and in the device itself.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

1. Claim 8 is objected to because of the following informalities: "that region" in claim 8 is unclear, applicant should specifically point out what region is considered as "that region" as recited in claim 8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6, 8-9, 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Terayama et al (U.S. 6,541,840).

As to claim 1, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device comprising: a first conductivity type semiconductor substrate (82) connected to a first power supply (“VCC”); a second conductivity type semiconductor layer (comprising elements 81, 83) provided on the first conductivity type semiconductor substrate (82) and connected to a second power supply (“GND”); and a device forming portion (forming portion of “PMOS” or “NMOS”) provided on the second conductivity type semiconductor layer (comprising elements 81, 83), with a decoupling capacitor [see the decoupling capacitor mounted between the P-well and N-well regions as shown in figure 8c] formed at an interface between the first conductivity type semiconductor substrate (82) and the second conductivity type semiconductor layer (comprising elements 81, 83).

As to claim 2, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein the second conductivity type semiconductor layer (comprising elements 81, 83) is provided on an entire top surface of the first conductivity type semiconductor substrate (82),

and a bottom surface of the first conductivity type semiconductor substrate (82) is connected to the first power supply (“VCC”).

As to claim 3, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein the device forming portion has a first conductivity type well (“N-well”) contacting the second conductivity type semiconductor layer (comprising elements 81, 83) and connected to a third power supply (Vss, Figure 6c) and another decoupling capacitor [see a decoupling capacitor mounted between N-well and P-well regions as shown in figure 8c] is formed at an interface between the first conductivity type well (“N-well”) and the second conductivity type semiconductor layer (comprising elements 81, 83).

As to claim 4, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein device forming portion has: another second conductivity type semiconductor layer (see “P-well region” on left side of the structure as shown in figure 8c) electrically connected to the second conductivity type semiconductor layer (comprising elements 81, 83), and a first conductivity type well (“N-well”) provided on the another second conductivity type semiconductor layer (see “P-well region” on left side of the semiconductor integrated circuit device) contacted with the another second conductivity type semiconductor layer and connected to a third power supply (Vss, figure 6c), and another decoupling capacitor (see a decoupling capacitor mounted between N-well and P-well regions) is formed at an interface between the first conductivity type well (N-well”) and the another second conductivity type semiconductor layer (see “P-well region” on left side of the structure as shown in figure 8c).

As to claim 5, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein the device forming portion (forming portion of “PMOS” or “NMOS”) has an active element (“PMOS” or “NMOS”) connected to the third power supply (Vss, Fig. 6b).

As to claim 6, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein a potential of the third power supply (Vss, Fig. 6b or Fig. 7b) differs from potentials of the first and second power supplies (“Vcc” and “GND”, figure 8b).

As to claim 8, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein the second conductivity type semiconductor layer (comprising elements 81, 83) is locally provided on the first conductivity type semiconductor substrate (82), the device forming portion (forming portion of “PMOS” or “NMOS”) is formed in that region in the top surface of the first conductivity type semiconductor substrate (82) where the second conductivity type semiconductor layer (comprising elements 81, 83) is not provided, and the first conductivity type semiconductor substrate (82) is connected to the first power supply (Vcc”) via the device forming portion (forming portion of “PMOS” or “NMOS”).

As to claim 9, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein the device forming portion (forming portion of “PMOS” or “NMOS”) has a first conductivity type well (“N-well”) and the first conductivity type semiconductor substrate (82) is connected to the first power supply (“Vcc”) via the first conductivity type well (“N-well”).

As to claim 12, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein the second conductivity type semiconductor layer (comprising 81, 83) is connected to the second power supply (“GND”) via the device forming portion (forming portion of “PMOS” or “NMOS”).

As to claim 13, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein the device forming portion (forming portion of “PMOS” or “NMOS”) has a second conductivity type well (“P-well”) and the second conductivity type semiconductor layer (81, 83) is connected to the second power supply (“GND”) via the second conductivity type well (“P-well”).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terayama et al (U.S. 6,541,840) in view of Disney (U.S. 6,768,171).

As to claim 11, Terayama et al does not disclose a semiconductor integrated circuit device wherein the substrate body has a resistivity of 100 Ω -cm or higher.

Disney discloses in figure 7A a semiconductor integrated circuit device wherein the substrate body has a resistivity of 100 Ω -cm or higher (“100-150 ohm/cm”) (see col. 8, lines 60-67). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Terayama et al by having a substrate body has a resistivity of 100 Ω -cm or higher as taught by Disney for providing a proper charge balance among the alternating p-type and n-type layers that are formed in the device.

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terayama et al (U.S. 6,541,840) in view of Kawaguchi et al (U.S. 6,259,136).

As to claims 7 and 10, Terayama et al discloses in figure 8(c) a semiconductor integrated circuit device, wherein first conductivity type semiconductor substrate has: a substrate body, and a surface portion having a lower resistivity than that of the substrate body.

Kawaguchi et al (U.S. 6,259,136) discloses in figure 3 a semiconductor integrated circuit device, wherein first conductivity type semiconductor substrate (11) has: a substrate body (including 14), and a surface portion (15) having a lower resistivity than that of the substrate body (including 14) (see col. 5, lines 58-64). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the semiconductor integrated circuit device of Terayama et al by having the first conductivity type semiconductor substrate has: a substrate body, and a surface portion having a lower resistivity than that of the substrate body as taught by Kawaguchi et al for providing a high performing conductivity type semiconductor substrate.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Y. Tran whose telephone number is (571) 272-2110. The examiner can normally be reached on M-F (9-6:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYT



Michael Trinh
Primary Examiner